

ORDINANCE NO. 08-90

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW LOT COVERAGE OF 46.5%, WHERE A MAXIMUM OF 30% LOT COVERAGE IS ALLOWED, ALLOW 4 PARKING SPACES BACKING OUT INTO THE STREET, WHERE A MINIMUM OF 7 SPACES ARE REQUIRED, ALLOW A REAR SETBACK OF 7.37 FEET, FOR A DISTANCE OF 13 FEET OR SUCH DISTANCE TO ACCOMMODATE THE EXISTING ACCESSORY BUILDING TO BE USED AS A LAUNDRY AND FOR STORAGE ONLY, OR IF THE EXISTING ACCESSORY BUILDING CANNOT BE LEGALIZED, THEN A 15-FOOT REAR SETBACK, WHERE AT LEAST 20 FEET ARE REQUIRED, ADJACENT TO A NEW ACCESSORY BUILDING WITH A TOTAL AREA NOT TO EXCEED 100 SQUARE FEET OR DIMENSIONS NOT TO EXCEED 10 FEET IN LENGTH AND 10 FEET IN WIDTH; A WEST SIDE SETBACK OF 3.75 FEET, WHERE 10 FEET ARE REQUIRED, FOR THE EXISTING ACCESSORY BUILDING, OR IN THE ALTERNATIVE, A WEST SIDE SETBACK OF 6.75 FEET, WHERE 10 FEET ARE REQUIRED, FOR A NEW ACCESSORY BUILDING, CONTRA TO HIALEAH CODE §§ 98-2056(b)(2), 98-2189(21), 98-591 AND 98-590; REPEALING AND RESCINDING HIALEAH, FLA., ORDINANCE 87-26 (APRIL 14, 1987). **PROPERTY LOCATED AT 34 WEST 14 STREET, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City Council of the City of Hialeah, Florida, at its regular meeting of October 14, 2008, directed the Law Department to provide this ordinance overriding the Planning and Zoning Board's recommendation of denial at its meeting of September 17, 2008, after the applicant amended its petition for variance permits.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1:** The below-described property is hereby granted a variance permit to allow lot coverage of 46.5%, where a maximum of 30% lot coverage is allowed, allow 4 parking spaces backing out into the street, where a minimum of 7 spaces are required, allow a rear setback of 7.37 feet, for a distance of 13 feet or such distance to accommodate the existing accessory building to be used as a laundry and for storage only, or if the existing accessory building is not legalized, then a 15-foot rear setback, where at least 20 feet are required, adjacent to a new accessory building with a total area not to exceed 100 square feet or dimensions not to exceed 10 feet in length and 10 feet in width; a west side setback of 3.75 feet, where 10 feet are required, for the existing accessory building, or in the alternative, a west side setback of 6.75 feet, where 10 feet are required, for a new accessory building; contra to Hialeah Code §§ 98-2056(b)(2), 98-2189(21), 98-591 and 98-590, which provide in pertinent part: "A maximum of 30 percent of the net residential land area may be covered with or occupied by the principal residential structure.". "One parking space for every three patient beds.". "In the R-3 multiple-family district, there shall be a 20-foot rear yard setback." and "In the R-3 multiple-family district, there shall be side yards, and the width of each shall not be less than ten feet.", respectively. Property located at 34 West 14 Street, Hialeah, Miami-Dade County, Florida, zoned R-3 (Multiple Family District), and legally described as follows:

LOT 8, BLOCK 66, SEVENTH ADDITION TO THE  
TOWN OF HIALEAH, ACCORDING TO THE PLAT

THEREOF, AS RECORDED IN PLAT BOOK 9, PAGE 6,  
OF THE PUBLIC RECORDS OF MIAMI-DADE  
COUNTY, FLORIDA.

**Section 2:** Hialeah, Fla. Ordinance 87-26 (Apr. 14, 2008) is hereby repealed and rescinded in its entirety.

**Section 3: Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 4: Penalties.**

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

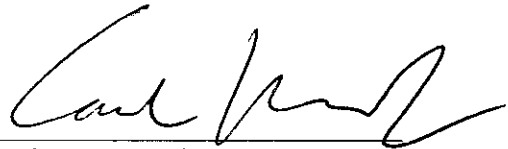
**Section 5: Severability Clause.**

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

**Section 6: Effective Date.**

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 25th day of November, 2008.



Carlos Hernandez  
Council President

Attest:

Approved on this \_\_\_\_ day of \_\_\_\_\_, 2008.

**MAYOR'S SIGNATURE WITHHELD**

\_\_\_\_\_  
Rafael E. Granado, City Clerk

\_\_\_\_\_  
Mayor Julio Robaina

Approved as to form and legal sufficiency:

  
\_\_\_\_\_  
William M. Grodnick, City Attorney

S:\WMG\LEGISLATION\ORD\Ordinance 2008\34west14street.docx

Ordinance was adopted by a 6-0-1 vote with Councilmembers, Casals-Muñoz, Cue, Garcia-Martinez, Gonzalez, Hernandez, and Yedra voting "Yes" and Councilmember Caragol absent.

Ordinance was passed and adopted by the Hialeah City Council on November 25, 2008 and became effective December 9, 2008 without Mayor's signature.

ORDINANCE GRANTING A VARIANCE TO ALLOW THE MAXIMUM 30% LOT COVERAGE TO BE EXCEEDED BY 12%, FOR A TOTAL LOT COVERAGE OF 42%, CONTRA TO SEC. 32-7(25)(b) OF THE CODE OF ORDINANCES OF THE CITY OF HIALEAH, WHICH PROVIDES "MAXIMUM OF 30% OF THE NET RESIDENTIAL LAND AREA MAY BE COVERED WITH OR OCCUPIED BY THE PRINCIPAL RESIDENTIAL STRUCTURE(S)", AND TO ALLOW FOUR (4) PARKING SPACES (TWO [2] COMPACT AND TWO [2] REGULAR) WHERE FIVE (5) PARKING SPACES WOULD NORMALLY BE REQUIRED AND WHERE FIVE (5) BACK-OUT PARKING SPACES WERE PREVIOUSLY PROVIDED, CONTRA TO SEC. 32-7(10) OF THE CODE OF ORDINANCES OF THE CITY OF HIALEAH, WHICH PROVIDES "BACK-OUT PARKING SPACES SHALL BE ALLOWED IN AREAS ZONED R-1, R-2 AND R-4 AND TOWNHOUSE USES IN R-3 ZONES", AND TO ALLOW EXISTING SIDE SETBACKS OF 5.07' AND 7.98' TO ALLOW AN ADDITION TO PROPERTY LOCATED AT 34 WEST 14TH STREET, HIALEAH, FLORIDA, ZONED R-3 (MULTIPLE FAMILY DISTRICT), REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTY FOR THE VIOLATION HEREOF.

WHEREAS, the Planning and Zoning Board, at their regular meeting of March 11, 1987, recommended the adoption of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, that:

Section 1. The property located at 34 West 14th Street, Hialeah, Florida, is hereby granted a variance to allow the maximum 30% lot coverage to be exceeded by 12%, for a total lot coverage of 42%, contra to Sec. 32-7(25)(b) of the Code of Ordinances of the City of Hialeah, which provides "Maximum of 30% of the net residential land area may be covered with or occupied by the Principal Residential Structure(s)", and to allow four (4) existing back-out parking spaces (two [2] compact and two [2] regular) where five (5) parking spaces would normally be required and where five (5) back-out parking spaces were previously provided, contra to Sec. 32-7(10) of the Code of Ordinances of the City of Hialeah, Florida, which provides "Back-out parking spaces shall be allowed in areas zoned R-1, R-2 and R-4 and Townhouse uses in R-3 zones", and to allow existing side setbacks of 5.07' and 7.98' to allow an addition to property, zoned R-3 (multiple family district), property more particularly described as follows:

LOT 8, BLK. 66, SEVENTH ADDITION TO TOWN OF HIALEAH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 9, PAGE 6, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, ZONED R-1 (ONE FAMILY DISTRICT).

Section 2. Repeal of Ordinances in Conflict.


All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. Penalties.

Any person, firm or corporation convicted of violating the provisions of this ordinance shall be punished by a fine, not exceeding \$500.00, or by a jail sentence, not exceeding sixty (60) days, or both, in the discretion of the Court.

PASSED and ADOPTED this 14th day of April, 1987.

THE FOREGOING ORDINANCE OF THE  
CITY OF HIALEAH WAS PUBLISHED  
IN ACCORDANCE WITH THE PROVISIONS  
OF FLORIDA STATUTE 166.041  
PRIOR TO FINAL READING.

  
\_\_\_\_\_  
President of Council

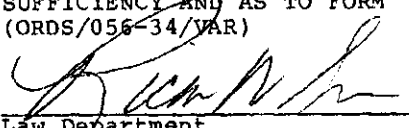
ATTEST:

\_\_\_\_\_  
Acting City Clerk

APPROVED:

MAYOR'S SIGNATURE WITHHELD  
\_\_\_\_\_  
Mayor

APPROVED AS TO LEGAL  
SUFFICIENCY AND AS TO FORM  
(ORDS/056-34/VAR)

  
\_\_\_\_\_  
Law Department

ORDINANCE was adopted by a 6-1 vote with Councilmen Cardoso, D'Angelo, Echevarria, J. Martinez, Mejides and Nunez voting "Yes" and Councilman Robinson voting "No".

ORDINANCE No. 87-26 was passed and adopted by the Hialeah City Council on April 14, 1987 and became law on April 28, 1987 without the Mayor's signature.